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2 GEORGE MILIONIS, ESQ.
3 California Bar No. 213092
4 SPI ENERGY CO. LTD.
5 4803 Urbani Ave
6 McClellan Park, CA 95652
7 Telephone: 925.450.3377
8 Email: gmilionis@spigroups.com

9 *Attorney for SPI ENERGY INC.*

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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

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16 SINSIN EUROPE SOLAR ASSET LIMITED
17 PARTNERSHIP,

18 vs.

19 SPI ENERGY CO. LTD.

Case No.: 2:22-CV-01991-MCE-JDP

**DEFENDANT SPI ENERGY CO.
LTD.'s EX PARTE APPLICATION
FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT,
PROPOSED ORDER AND
DECLARATION IN SUPPORT
THEREOF**

20
21 Defendant SPI ENERGY CO. LTD ("SPI ENERGY" or Defendant") respectfully
22 requests an order extending its time to respond to plaintiff SINSIN's complaint in this
23 matter. Defendant asks that the Court to extend the deadline for 28 days, from December
24 5, 2022, to January 2, 2023 to allow Defendant with sufficient time to retain/engage with
25 outside counsel and to prepare its response. No prior extensions have been sought in this
26 matter.

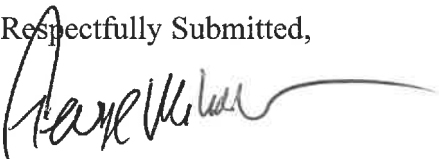
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28 1. On November 3, 2022, Plaintiff SINSIN filed this action in the United States
District Court - Eastern Division, against Defendant. Defendant was served on November
14, 2022 at its main office in McClellan Park, California. In light of this new matter and

1
2 the holiday break in late November, Defendant commenced the process to find outside
3 counsel as soon as possible however the process took longer than anticipated.

4 2. Given this, Defendant seeks an extension of time to respond sufficiently to
5 Plaintiff's complaint pursuant to Local Rules 144(c) and (d) after exhausting reasonable
6 efforts to seek an extension by stipulation of counsel.

7 Dated December 5, 2022
8

9 Respectfully Submitted,

10 

11 George K. Millionis, Esq.
12 California Bar No. 213092
13 gmillionis@spigroups.com

14 *Attorney for SPI ENERGY CO. LTD.*

15
16 **ORDER**

17 IT IS SO ORDERED.

18 DATED: December __, 2022

19 _____
20 UNITED STATES DISTRICT JUDGE
21
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23
24
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26 [Remainder of page intentionally left blank.]
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DECLARATION OF GEORGE MILIONIS

I, George K. Milionis, declare:

1. I am an attorney at law licensed to practice before all courts in the State of California, including this District Court. I am the Chief Legal Officer of SPI Solar, Inc., a subsidiary of Defendant in this matter. I am making this Declaration based upon my own knowledge and if called as a witness I will testify as to these facts.

2. On December 1, 2022 I called and emailed Plaintiff's counsel Michael Amberg of King & Wood Mallesons LLP, counsel for SINSIN, requesting an extension of time for Defendant to respond to the Complaint. This request was based in part on the past Thanksgiving holiday (when I was on vacation/travelling that week) and in conjunction with Defendant's efforts to secure outside counsel to represent Defendant in the defense of this matter including the filing of a response to the Complaint.

3. On December 1, 2022, I received an out of office email informing me that Mr. Amberg was no longer with the King & Wood Law firm. That email directed me to contact Ms. Le Yu of the Wood & King law firm. On that same day, I contacted Ms. Yu via email and also left a message. In an email from Ms. Yu, on December 2, 2022, she informed me that she had relayed the request to one of her partners.

3. On Friday, December 2, 2022, I also received an email response from Mr. Evan Zatorre of the Wood & King law firm advising that he was discussing the extension with his client. I explained that the deadline was approaching on Monday, December 5, 2022 and to advise me as soon as possible.

4. On Monday, December 5, 2022, Mr. Zatorre responded again that he was still not able to reach his client to confirm the extension and that the timeframe was too short to get

1
2 his client's consent. Also on December 5, 2022, Defendant retained outside counsel in this
3 matter.

4 5. A true and correct copy of the email conversations is attached hereto as Exhibit
5 "A".

6 I declare under penalty of perjury under the laws of the United States that the
7 foregoing is true and correct. This Declaration was executed this 5th day of December, 2022,
8 at Livermore, California.
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11 GEORGE K. MILIONIS
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EXHIBIT "A"

George Milionis

From: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Sent: Monday, December 5, 2022 9:18 AM
To: George Milionis; Lee, Rocky (Dacheng) (CN)
Cc: He, Yi (US); Utterback, Meg (US); Yu, Le (US)
Subject: RE: [EXTERNAL] RE: Sinsin/SPI Energy Inc.

Dear George,

Regrettably, we cannot agree to your extension without formal authorization from our client.

If you file today, we will certainly confirm as soon as we can with the client that the motion should not be opposed. Again, normally we would gladly agree, but the timeframe has been too short for us to get their consent.

Kind regards,
Evan

Evan Zatorre | Associate
King & Wood Mallesons

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M +1 917 993 3834
F +1 917 591 8167
E evan.zatorre@us.kwm.com

500 Fifth Avenue, 50th Floor, New York, NY 10110
kwm.com

From: George Milionis <gmilionis@solarjuiceamerica.com>
Sent: Monday, December 5, 2022 11:31 AM
To: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>; Lee, Rocky (Dacheng) (CN) <rocky.lee@cn.kwm.com>
Cc: He, Yi (US) <yi.he@us.kwm.com>; Utterback, Meg (US) <meg.utterback@us.kwm.com>; Yu, Le (US) <le.yu@us.kwm.com>
Subject: RE: [EXTERNAL] RE: Sinsin/SPI Energy Inc.

Thank you Evan for the update. It would seem a relatively straightforward extension like this we can do between counsel? Let me know and if not we will prepare the ex parte today. Thank you, George

From: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Sent: Monday, December 5, 2022 6:00 AM
To: George Milionis <gmilionis@solarjuiceamerica.com>; Lee, Rocky (Dacheng) (CN) <rocky.lee@cn.kwm.com>
Cc: He, Yi (US) <yi.he@us.kwm.com>; Utterback, Meg (US) <meg.utterback@us.kwm.com>; Yu, Le (US) <le.yu@us.kwm.com>
Subject: RE: [EXTERNAL] RE: Sinsin/SPI Energy Inc.

Dear Mr. Milionis,

By way of update, we reached out to our client regarding your request for an extension on Friday but have yet to hear back.

Kind regards,

Evan Zatorre | Associate
King & Wood Mallesons

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F +1 917 591 8167
E evan.zatorre@us.kwm.com

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kwm.com

From: George Milionis <gmilionis@solarjuiceamerica.com>
Sent: Friday, December 2, 2022 4:09 PM
To: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>; Lee, Rocky (Dacheng) (CN) <rocky.lee@cn.kwm.com>
Cc: He, Yi (US) <yi.he@us.kwm.com>; Utterback, Meg (US) <meg.utterback@us.kwm.com>; Yu, Le (US) <le.yu@us.kwm.com>
Subject: RE: [EXTERNAL] RE: Sinsin/SPI Energy Inc.

Thank you Evan for the update.

Please let me know as soon as possible (since by my calculation the response is due Monday December 5). I am planning to do an ex parte application on Monday to the Court advising the reasons we need additional time but hopefully we can avoid that process (assuming you have heard back from your client by then.)

Best regards/thanks, George

From: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Sent: Friday, December 2, 2022 10:44 AM
To: George Milionis <gmilionis@solarjuiceamerica.com>; Lee, Rocky (Dacheng) (CN) <rocky.lee@cn.kwm.com>
Cc: He, Yi (US) <yi.he@us.kwm.com>; Utterback, Meg (US) <meg.utterback@us.kwm.com>
Subject: [EXTERNAL] RE: Sinsin/SPI Energy Inc.

Dear Mr. Milionis,

We are in receipt of your below request for an extension to respond to the Petition to Confirm Arbitral Awards.

We are liaising with our client and will revert with our availability to discuss the extension when we hear back next week.

Kind regards,
Evan

Evan Zatorre | Associate
King & Wood Mallesons

D +1 347 926 7549
M +1 917 993 3834
F +1 917 591 8167
E evan.zatorre@us.kwm.com

500 Fifth Avenue, 50th Floor, New York, NY 10110

From: George Milionis <gmilionis@solarjuiceamerica.com>
Sent: Thursday, December 1, 2022 8:13 PM
To: Lee, Rocky (Dacheng) (CN) <rocky.lee@cn.kwm.com>
Subject: FW: Sinsin/SPI Energy Inc.
Importance: High

Hello Mr. Lee,

Please see below. We are seeking an extension from counsel for Sinsin in this matter.

I believe Mr. Amperg is no longer with your firm and I have emailed Ms. Yu but have not received a response yet. Can you let me know who the handling attorney is in this matter so we can have a discussion on the extension in light of the past holiday and our counsel surgery next week?

If no response, I will assume an extension through December 28, 2022 is acceptable. Thank you/best regards, George

George K. Milionis
Chief Legal Officer
Office Direct: (925) 450-3377



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From: George Milionis
Sent: Thursday, December 1, 2022 11:23 AM
To: le.yu@us.kwm.com
Subject: Sinsin/SPI Energy Inc.

Hello Ms. Yu,

Can you give me a call when you get a minute later today? My best number is 650 274 5083.

SPI Energy is requesting an extension as we are in process of retaining counsel in this matter. I can explain the circumstances in more detail on the call. Thank you in advance, George

George K. Milionis
Chief Legal Officer
Office Direct: (925) 450-3377



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George Milionis

From: Yu, Le (US) <le.yu@us.kwm.com>
Sent: Friday, December 2, 2022 12:07 PM
To: George Milionis
Subject: [EXTERNAL] RE: Sinsin/SPI Energy Inc.

Hi George,

Noted with thanks. I have forwarded your email to our partners, and they may reply you later.

Best,

Le Yu | Law Clerk
King & Wood Mallesons

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M +1 603 229 8501
E le.yu@us.kwm.com

2500 Sand Hill Road, Suite 111, Menlo Park, CA 94025
kwm.com

From: George Milionis <gmilionis@solarjuiceamerica.com>
Sent: Thursday, December 1, 2022 11:23 AM
To: Yu, Le (US) <le.yu@us.kwm.com>
Subject: Sinsin/SPI Energy Inc.

Hello Ms. Yu,

Can you give me a call when you get a minute later today? My best number is 650 274 5083.

SPI Energy is requesting an extension as we are in process of retaining counsel in this matter. I can explain the circumstances in more detail on the call. Thank you in advance, George

George K. Milionis
Chief Legal Officer
Office Direct: (925) 450-3377



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